

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

GAREY E. LINDSAY, Regional Director	:	Case No. 3:17-cv-126
of the Ninth Region of the National	:	
Labor Relations Board, for and on Behalf	:	Judge Thomas M. Rose
of the National Labor Relations Board,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	
MIKE-SELL’S POTATO CHIP	:	
COMPANY,	:	
	:	
Respondent.	:	

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**ENTRY AND ORDER DENYING MOTION OF TEAMSTERS LOCAL UNION  
NO. 957 TO INTERVENE AND MEMORANDUM IN SUPPORT (DOC. 4) AND  
GRANTING RESPONDENT MIKE-SELL’S POTATO CHIP COMPANY’S  
MOTION FOR LEAVE TO FILE SUPPLEMENTAL MEMORANDUM (DOC. 8)**

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This case is before the Court on the Motion to Intervene (Doc. 4) filed by General Truck Drivers, Warehousemen, Helpers, Sales and Service and Casino Employees, Teamsters Local Union No. 957, affiliated with the International Brotherhood of Teamsters (“Local 957”). Local 957 moves to intervene in this case pursuant to Federal Rule of Civil Procedure 24(a) and (b). Petitioner Garey E. Lindsay, Regional Director of the Ninth Region of the National Labor Relations Board, on behalf of the National Labor Relations Board, (“Petitioner”) opposes Local 957’s Motion to Intervene on the grounds that a private party is not permitted to intervene in an action brought in the public interest on behalf of the National Labor Relations Board under Section 10(j) of the National Labor Relations Act, 29 U.S.C. §§ 151-169. (Doc. 9.) Respondent Mike-Sell’s Potato Chip Company (“Respondent”) does not oppose Local 957’s intervention, but requests leave to file a supplemental memorandum addressing any new issues raised by Local 957. (Docs. 7-8.)

After review of the parties’ memoranda and the caselaw cited therein, the Court finds that

Local 957 should not be permitted to intervene in this action for the reasons stated in Petitioner's Opposition (Doc. 9). If, however, Local 957 would like to file a memorandum relating to the Petition for Preliminary Injunction (Doc. 1) as an amicus curiae, it may do so by no later than May 12, 2017. The parties may file a response to any memorandum filed by Local 957 by no later than May 19, 2017.

Accordingly, Local 957's Motion to Intervene (Doc. 4) is **DENIED**. Respondent's Motion for Leave to File a Supplemental Memorandum (Doc. 8) in response any memorandum filed by Local 957 is **GRANTED**.

**DONE** and **ORDERED** in Dayton, Ohio, this Monday, May 8, 2017.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE